

United States Environmental Protection Agency
Region 5

IN THE MATTER OF:)	
)	
)	FINDING OF VIOLATION
City Demolition)	
Detroit, Michigan)	EPA-5-00-MI-18
)	
)	
Proceedings Pursuant to)	
the Clean Air Act,)	
42 U.S.C. §§ 7401 <u>et seq.</u>)	

FINDING OF VIOLATION

The United States Environmental Protection Agency finds that Power VAC Service, Incorporated has violated Section 112 of the Clean Air Act, 42 U.S.C. § 7412. Specifically, Power VAC Service, Incorporated has violated the National Emission Standards for Hazardous Air Pollutants (NESHAP) for asbestos at 40 C.F.R. part 61, subpart M as follows:

Regulatory Authority

1. The NESHAP for asbestos applies to the former commercial facility located at 903 West Grand Boulevard, Detroit, Michigan.
2. The NESHAP, at 40 C.F.R. § 61.145, requires the owner and operator of an affected facility to properly inspect the facility, notify of their intention to demolish or renovate the facility, and to properly remove all Regulated Asbestos-Containing Material (RACM) from the facility. Specifically:

Pursuant to 40 C.F.R. § 61.145(a), the owner or operator of a demolition or renovation activity, and prior to the commencement of the demolition or renovation, shall thoroughly inspect the affected facility or part of the facility where the demolition or renovation operation will occur for the presence of asbestos, including Category I and Category II nonfriable Asbestos-Containing Material (ACM).

Pursuant to 40 C.F.R. § 61.145(b)(1), each owner or operator of a demolition or renovation activity shall provide the Administrator with written intention to demolish or renovate at least 10 working days before asbestos stripping or

removal work or any other activity begins.

Pursuant to 40 C.F.R. § 61.145(b)(4)(vi), each owner or operator of a demolition or renovation activity shall estimate the approximate amount of RACM to be removed from the facility in terms of length of pipe in linear meters (linear feet), surface area in square meters (square feet) on other facility components, or volume in cubic meters (cubic feet) if off the facility components. Also, estimate the approximate amount of Category I and Category II nonfriable ACM in the affected part of the facility that will not be removed before demolition.

Pursuant to 40 C.F.R. § 61.145(c)(1), the owner or operator of a demolition or renovation activity shall remove all RACM from a facility being demolished or renovated before any activity begins that would break up, dislodge, or similarly disturb the material or preclude access to the material for subsequent removal.

Factual Background

3. Power VAC Service, Incorporated is listed as the operator for the former commercial facility located at 903 West Grand Boulevard, Detroit, Michigan.

4. The Power VAC Service, Incorporated facility (listed above) is subject to the requirements at 40 C.F.R. § 61.145. Pursuant to 40 C.F.R. § 61.145(a), the asbestos NESHAP applies to each "owner or operator" of a "demolition or renovation activity" at a "facility", as those terms are defined at 40 C.F.R. § 61.141. Specifically, the owner or operator must provide written intention to demolish or renovate at least 10 working days before any activity begins, and if the combined amount of RACM in a facility being demolished is at least 80 linear meters (260 linear feet) on pipes or at least 15 square meters (160 square feet) on other facility components or at least 1 cubic meter (35 cubic feet) of facility components where the length or area could not be measured previously, the procedures for emission control set forth at 40 C.F.R. § 61.145 shall apply.

Violations

5. Specifically, Power VAC Service, Incorporated is in violation of the asbestos NESHAP at the following facility as described below:

Former commercial facility, 903 West Grand Boulevard,
Detroit, Michigan


Power VAC Service, Incorporated, the operator of the former commercial facility at 903 West Grand Boulevard in Detroit, Michigan, failed to thoroughly inspect the affected facility for the presence of asbestos, including Category I and Category II nonfriable ACM. This is in direct violation of regulation 40 C.F.R. § 61.145(a).

Power VAC Service, Incorporated, the operator of the former commercial facility at 903 West Grand Boulevard in Detroit, Michigan, failed to provide written notification to demolish the facility at least 10 working days before the activity began. This is in direct violation of regulation 40 C.F.R. § 61.145(b)(1).

Power VAC Service, Incorporated, the operator of the former commercial facility at 903 West Grand Boulevard in Detroit, Michigan, failed to estimate the approximate amount of RACM to be removed from the facility in terms of length of pipe in linear meters (linear feet), surface area in square meters (square feet) on other facility components, or volume in cubic meters (cubic feet) if off the facility components, and also estimate the approximate amount of Category I and Category II nonfriable ACM in the affected part of the facility that will not be removed before demolition. This is in direct violation of regulation 40 C.F.R. § 61.145(b)(4)(vi).

Power VAC Service, Incorporated, the operator of the former commercial facility at 903 West Grand Boulevard in Detroit, Michigan, failed to remove all RACM from the facility being demolished before any activity begins that would break up, dislodge, or similarly disturb the material. This is in direct violation of regulation 40 C.F.R. § 61.145(c)(1).

8-23-00
Date



Bharat Mathur, Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Shanee Rucker, certify that I sent a Finding of Violation, No. EPA-5-00-MI-18, by Certified Mail, Return Receipt Requested, to:

Robert Pasek, Vice-President
Power VAC Service, Incorporated
14415 Meyers Road
Detroit, Michigan 48227-3923

I also certify that I sent copies of the Finding of Violation by first class mail to:

Timothy McGarry, Enforcement Unit Supervisor
Compliance and Enforcement Section
Michigan Department of Environmental Quality
Air Quality Division
P.O. Box 30260
Lansing, Michigan 48909

Gerald Krawiec, District Supervisor
Wayne County Department of Environment
Air Quality Management Division
640 Temple, Suite 700
Detroit, Michigan 48201-2599

on the 24 day of August, 2000.

Shanee Rucker
Shanee Rucker, Secretary
AECAS, (MI/WI)
(312) 886-6086

CERTIFIED MAIL RECEIPT NUMBER: P 664 397120